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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/559,370	05/18/2006	Martin Gosling	2003P05858WOUS	3637

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Siemens Corporation  
Intellectual Property Department  
170 Wood Avenue South  
Iselin, NJ 08830

EXAMINER
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SAETHER, FLEMMING

ART UNIT	PAPER NUMBER
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3677

MAIL DATE	DELIVERY MODE
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03/15/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/559,370	<b>Applicant(s)</b> GOSLING, MARTIN	
	<b>Examiner</b> Flemming Saether	<b>Art Unit</b> 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 19-21, 23, 24, 26, 28 and 29 is/are pending in the application.
- 4a) Of the above claim(s) 29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19-21, 23, 24, 26, 28 and 29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

***Election/Restrictions***

Newly submitted claim 29 is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: claim 29 is a combination which does not require all the particulars of the subcombination, namely the resistance to tensioning force and conversely the subcombination, claim 19, has separate utility without the flange members of the combination.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 29 is withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Where the subcombination, and claims thereto are subsequently found allowable, any claim(s) depending from or otherwise requiring all the limitations of the allowable subcombination will be examined for patentability in accordance with 37 CFR 1.104. See MPEP § 821.04(a). Applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

***Double Patenting***

Claims 19-21, 26 and 28 remain rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-13 and 1-6 of

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U.S. Patent No. 6,840,726 and 7,066,699 respectively. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims of the instant application are broader than those of the parents and wherein the claims of the patents include at least all the all the features claimed in the instant application.

### ***Claim Rejections - 35 USC § 102***

Claims 19-21 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Fredriksson (US 3,947,948). Fredriksson discloses a tensioning apparatus comprising a shank member (4); an annular member (2) having an inside surface parallel to the shank member for an interference fit on the shank member; a fluid passageway (10) in the shank member with longitudinal and transverse channels for delivering a fluid to generate only a radial force to relax the interference fit and; a tensioner (21-24) for pulling on the shank including a piston connected to the shank and a cylinder (23) connected to the annular member.

### ***Claim Rejections - 35 USC § 103***

Claims 23, 24 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fredriksson as applied to claims 19 and 20 above, and further in view of Spies (US 4,905,777). Fredriksson is not specific as to the pressure source. Spies discloses a pressure source comprising a pressure converter (52) having water and oil as the working fluids (column 7, paragraph beginning line 33). At the time the invention was made, it would have been obvious for one of ordinary skill in the art to use as the

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pressure source in Fredriksson water and oil with a pressure converter as disclosed in Spies because the pressure converter conveniently allows for the pressure control of two separate pressure devices with separate fluids which would have been recognized as advantageous on Fredriksson since there are two pressure devices which could benefit from separate fluids and which operate as constant relative pressures. The selection of the material would have been obvious so that the device would be optimized for a particular application.

### ***Response to Remarks***

The 112 first paragraph rejection has been obviated by way amendment.

The double patenting rejection is maintained as acknowledged by applicant.

Applicant argues the claims allowable over Fredriksson (US 3,947,948) because the claims require an outside surface parallel to the axis, in essence a cylinder, whereas Fredriksson discloses a conical surface. In response, the examiner agrees that Fredriksson discloses a conical outside surface. However, Fredriksson also discloses an alternative embodiment where the outside surface is discloses as cylindrical. Applicant's attention is directed to the last paragraph of the detailed description where it is disclosed that the invention can be applied to "cylindrical screws and holes" thus when the shaft is cylindrical the outside surface would in turn be cylindrical.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Flemming Saether whose telephone number is 571-272-7071. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Victor Batson can be reached on 571-272-6987. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Flemming Saether  
Primary Examiner  
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